

WEDNESDAY, APRIL 1, 1987

TWENTY-SEVENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Reverend Kenneth Clayton, Tulip Grove Baptist Church, Nashville, Tennessee.

Representative West led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker .Murray--98.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 40, 57, 214, 223, 232, 240, 521, 555, 558, 600 and

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1104; and House Joint Resolutions Nos. 20, 46, 142, 143, 145, 146, 147, 149, 150, 152, 153, 163 and 183; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 260, 524, 566, 688, 1165, 1166, 1200, 1215, 1216, 1217, 1223, 1224, 1228, 1229, 1231, 1232 and 1236; and House Joint Resolution No. 159; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 40, 57, 214, 223, 232, 240, 243, 521, 555, 558, 600 and 1104; also, House Joint Resolutions Nos. 20, 46, 142, 143, 145, 146, 147, 149, 150, 152, 153, 163 and 183; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 4, 49, 109, 116, 160, 162, 181, 371, 387, 580, 735, 854, 1063, 1143 and 1237; Senate Joint Resolutions Nos. 51, 106, 107, 108, 109 and 113; House Bills Nos. 40, 57, 214, 223, 232, 240, 243, 521, 555, 558, 600 and 1104; and House Joint Resolutions Nos. 20, 46, 142, 143, 145, 146, 147, 149, 150, 152, 153, 163 and 183.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 185, 319, 336, 450, 514, 606, 609, 770, 775 and 1010; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 185, 319, 336, 450, 514, 606, 609, 770, 775 and 1010.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 249 with his approval.

DAVID H. WELLES,
Counsel to the Governor.

CALENDAR

House Bill No. 298--Prosecution Injury to Student.

On motion, House Bill No. 298 was made to conform with Senate Bill No. 314.

On motion, Senate Bill No. 314, on same subject, was substituted for House Bill No. 298.

Mr. Odom moved that Senate Bill No. 314 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative present and not voting was: Coffey--1.

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A motion to reconsider was tabled.

Mr. Odom moved that House Bill No. 785 be placed on the Calendar for Wednesday, April 8, 1987, which motion prevailed.

House Bill No. 212--Officer Standards.

Mr. King moved that House Bill No. 212 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 212 is amended by adding the following language as a new section to be appropriately designated:

SECTION ____ Tennessee Code Annotated, Section 38-8-102, is amended by adding the following language as a new subsection to be appropriately designated:

() The members of the commission shall appoint a full-time executive secretary.

On motion, the amendment was adopted.

Mr. King moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 212 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Section 38-8-102, is amended by adding the following new subsection:

(d) The commission shall be an independent regulatory commission.

Mr. King moved that House Bill No. 212 be placed on the Calendar for Wednesday, April 8, 1987, which motion prevailed.

House Bill No. 1109--Child Abuse.

On motion, House Bill No. 1109 was made to conform with Senate Bill No. 1126.

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On motion, Senate Bill No. 1126, on same subject, was substituted for House Bill No. 1109.

Mr. Naifeh moved that Senate Bill No. 1126 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1126 by deleting the following language in Section 14:

Tennessee Code Annotated Section 37-1-612 is amended by deleting subsections (d), (e), and (f) in their entireties and by substituting instead the following language: "The department shall release information contained on the abuse registry in accordance with the provisions of Section 37-1-408."

And by substituting the following language:

Tennessee Code Annotated Section 37-1-612 is amended by adding the following new language as an appropriately designated subsection:

AND FURTHER AMEND by deleting Section 18 in its entirety.

AND FURTHER AMEND by deleting Section 11 in its entirety and substituting the following language as new Section 11:

Tennessee Code Annotated Section 37-1-605(d) is amended by deleting subsection (d) in its entirety and adding the following language:

The department shall establish and maintain a central child sexual abuse registry which identifies victims and perpetrators of child sexual abuse. This registry shall be established and operated in the same manner as provided for the central child abuse registry established under Part 4 of Title 37.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section _____. Tennessee Code Annotated Section 37-1-408(b) is deleted in its entirety.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section _____. Tennessee Code Annotated Section 37-1-408(c)(1) is amended by deleting the second sentence in its entirety.

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AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section ____ Tennessee Code Annotated Section 37-1-408(c)(2) is amended by adding the following as the first sentence in that subdivision: "When previously 'indicated' reports are subsequently determined to be 'unfounded', all identifying information regarding 'unfounded' reports shall be expunged within thirty (30) days after the case is classified as 'unfounded'."

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section ____ Tennessee Code Annotated Section 37-1-406(a) is amended by deleting the second sentence and substituting instead the following new language:

The county office of the Department shall make a thorough investigation promptly after receiving either an oral or written report of harm caused by the child's parent, guardian, relative or other person residing in the child's home, or other person responsible for the care and welfare of the child. "Other person responsible for the care and welfare of the child" shall be as defined in Part 6 of Title 37. The department of human services may be called upon at the request of the law enforcement agency investigating a complaint of abuse against children not covered under this section, to assist in interviewing the child or making appropriate referrals for treatment services.

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section ____ Tennessee Code Annotated Section 37-1-408 is amended by adding the following language to be appropriately designated as a new subsection at the end of said section:

Central child abuse and child sexual abuse registries shall contain all child protective services cases active on May 1, 1987, which have been determined to be "indicated" as defined in Parts 4 and 6 of Title 37 on or after July 3, 1985, and any new cases determined to be "indicated" on or after May 1, 1987. All cases closed prior to May 1, 1987, shall not be included on the registries.

On motion, the amendment was adopted.

Mr. Naifeh moved to amend as follows:

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AMENDMENT NO. 2

Amend Senate Bill No. 1126 by deleting in Section 12 the following numbers "1987" and substituting therefor "1985".

On motion, the amendment was adopted.

Mr. Naifeh moved that Senate Bill No. 1126 be moved down three places.

House Bill No. 1121--Coal surface mining.

Mr. Burnett moved that House Bill No. 1121 be passed on third and final consideration.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1121 by deleting Sections 1 through 23 in their entirety and by substituting instead the following:

Section 1. This act shall be known and cited as the "Coal Surface Mining Act of 1987".

Section 2. Tennessee Code Annotated, Section 59-8-326(b) is amended by deleting the following punctuation and language in its entirety and substituting, in lieu thereof, a period (.) after "May 2, 1980":

;provided, that the proceeds from the forfeiture of any bond and other necessary amounts shall be used to the extent required in completing reclamation and revegetation of the area with respect to which the bond was posted.

Section 3. Tennessee Code Annotated, Section 59-8-351(3) is amended by deleting the words "surface mining and reclamation" and substituting in lieu thereof, "water pollution control".

Section 4. Tennessee Code Annotated, Section 59-8-352 is amended by inserting between the words "mine from" and "the primary" in subsection (a)(1)(A) the words "the commissioner or".

Tennessee Code Annotated, Section 59-8-352 is further amended by deleting subsection (a)(2) in its entirety and by redesignating subsection (a) accordingly.

Tennessee Code Annotated, Section 59-8-352 is further amended by adding a new subdivision immediately following item (A) and by redesignating the subsequent subdivision accordingly:

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() Knowingly and willfully violates the provisions of this chapter, or the rules and regulations or orders of the commissioner or knowingly falsifies an application for a permit; or

Tennessee Code Annotated, Section 59-8-352 is further amended by adding the following new subsection:

() whenever a corporation commits the acts described in this section, the director, officer or agent of such corporation who willfully and knowingly authorized, ordered or carried out such violation, failure or refusal shall be subject to the same fines and imprisonment that may be imposed under this section.

Section 5. Tennessee Code Annotated, Section 59-8-354 is amended by inserting between the words "mine from" and "the primary" the words "the commissioner or".

Section 6.

(a) The purpose of this part is to establish a regulatory program which will allow coal surface mining as defined herein for operations which are exempt from the jurisdiction of the federal Surface Mining Control and Reclamation Act of 1977, compiled in 30 U.S.C. Sections 1201, et seq. consistent with adequate environmental safeguards; except this part is not intended to regulate surface coal mining operations where less than twenty-five (25) tons of coal are removed within twelve (12) successive calendar months in any one location regardless of the size of the area affected.

(b) The general assembly finds that although the surface mining of coal on operations disturbing two (2) surface acres or less within the state of Tennessee provides a significant present source of energy and employment, the proper control of surface mining of coal, so as to minimize or prevent adverse disruptions and the injurious effects thereof, requires thorough planning in selection of appropriate coal surface mining sites, methods of coal surface mining and the nature and extent of reclamation; consideration of the impact of coal surface mining upon the ecology and land use of surrounding areas as well as upon the disturbed land of the coal surface mining site; and the incorporation and use of control techniques and reclamation actions as an integral and simultaneous part of coal surface mining.

(c) To the extent that the federal government defines or redefines its jurisdiction over coal surface mining operations within the scope of this act, it is the intention of the general assembly that the program substantially comply with the federal definitions.

Section 7. As used in this part, unless the context otherwise requires:

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(1) "Affected area" means any land or water surface area which is used to facilitate, or is physically altered by, surface coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which surface coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to surface coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to, or for hauling coal to or from, surface coal mining and reclamation operations, except as provided in this definition; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property; material on the surface resulting from, or incident to, surface coal mining and reclamation operations; and the area located above underground workings. The affected area shall include every road used for purposes of access to, or for hauling coal to or from, surface coal mining and reclamation operations, unless the road: (a) was designated as a public road pursuant to the laws of the jurisdiction in which it is located; (b) is maintained with public funds, and constructed in a manner similar to other public roads of the same classification within the jurisdiction; and (c) there is substantial (more than incidental) public use.

(2) "Board" means the board of reclamation review as established pursuant to Tennessee Code Annotated, Section 59-8-321.

(3) "Commissioner" means the commissioner of the department of health and environment, his duly authorized representative, and in the event of his absence or a vacancy in the office of commissioner, the deputy commissioner.

(4) "Director" means the director of the division of water pollution control in the department of health and environment.

(5) "Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or any other requirement of this part, in a surface coal mining and reclamation operation which condition, practice, or violation could reasonably be expected to cause substantial physical harm to persons outside the permit area before such condition, practice or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same conditions or practices giving rise to the peril would not expose himself or herself to the danger during the time necessary for abatement.

(6) "Operator" means any person, partnership or corporation engaged in mining coal from the earth who removes or intends to remove more than twenty-five (25) tons of coal from the earth by surface mining or who removes overburden for the purpose of removing coal within twelve (12) successive calendar months in any one location.

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(7) "Permit" means a permit to conduct coal surface mining and reclamation operations issued by the commissioner pursuant to this act.

(8) "Permit applicant" or "applicant" means a person applying for a permit.

(9) "Permit area" means the area of land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the operator's bond as required by this part and shall be readily identifiable by appropriate markers on the site.

(10) "Permittee" means a person holding a permit.

(11) "Person" means an individual, partnership, association, society, governmental agency or entity, joint stock company, firm, company, corporation, or other business organization. The board, department, its officials and employees acting in their official capacity shall not be considered "persons" pursuant to this act.

(12) "Reclamation plan" means a plan submitted by an applicant for a permit under this part which sets forth a plan for reclamation of the proposed surface coal mining operations pursuant to this part.

(13) "Secretary" means the secretary of the interior.

(14) "Coal surface mining and reclamation operations" means surface mining operations and all activities necessary and incident to the reclamation of such operations.

(15) "Coal surface mining operations" means:

(A) activities conducted on the surface of lands in connection with a coal surface mine. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop, removal, box cut, open pit, and area mining, the uses of explosives and blasting, and loading of coal at or near the mine site; provided, however, that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds (16 2/3) per centum of the tonnage of minerals removed for purposes of commercial use or sale; and

(B) the areas upon which such activities occur or where such activities disturb the natural land surface. Such area shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities for haulage and excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles,

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spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities.

(16) "Lignite coal" means consolidated lignitic coal having less than eight thousand three hundred (8,300) British Thermal Units per pound, moisture and mineral matter free.

(17) "Wildcat miner" means a person violating this part by willfully and knowingly extracting coal without a valid permit, or from an area not covered by a valid permit.

Section 8. In addition to the specific powers and authority granted elsewhere in this chapter, the commissioner shall have the following authority and powers:

(1) To administer and enforce the provisions of this part and its regulations, permits and orders authorized and promulgated pursuant thereto;

(2) To conduct and obtain investigations, research, experiments, training programs and demonstrations, and to collect and disseminate information relating to exploration, surface mining, reclamation of disturbed lands, and control of pollution of water and soil affected by exploration and surface mining for coal;

(3) To promulgate regulations in accordance with Tennessee Code Annotated, Section 4-5-201, et seq.

(4) To issue notices of noncompliance, cease orders, or other orders in the office or on-site, as are authorized by this part requiring the adoption by an operator of remedial measures necessary for carrying out the provisions of this part or regulations, or permits, issued pursuant to this part;

(5) To examine, and approve, modify, or disapprove, applications for permits, maps, bonds, mining and reclamation plans, revegetation plans, and post-mining land use plans submitted by operators;

(6) To establish by regulation standards for acceptable mining and reclamation of affected areas, which shall be designed to achieve soil stabilization, control soil erosion, obliterate the scars of the mining operation, insure quick revegetation, and insure that the operation meets applicable soil and water quality standards;

(7) To make such investigations or inspections as are necessary to insure compliance with any provisions of this part, including the right to enter at any time upon a suspected or affected area for such purposes and the right of ingress and egress across intervening properties;

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(8) To employ and commission qualified persons as surface mine personnel (When properly qualified and commissioned, such personnel shall be vested with such authority as is necessary to enforce all laws, regulations, and permits administered by the Tennessee Department of Health and Environment, including the issuance of service of process and they shall have the right to carry firearms or other arms while on duty.);

(9) To enter into contracts or other agreements for reclamation of sites pursuant to this chapter, or to otherwise further the purposes of this act;

(10) To expend or cause to be expended money from the surface mining reclamation fund for purposes of this chapter;

(11) To establish a process whereby a single set of forms and information, submitted in multiple copies to the division of water pollution control which shall contain sufficient mutually needed information to serve as a basic application for such agencies, evaluation of applications shall be made cooperatively, and decisions to grant or deny these permits shall be made simultaneously;

Section 9.

(1) The commissioner is authorized to expend moneys from the Tennessee surface mine reclamation fund for the emergency restoration, reclamation, abatement, control, or prevention of adverse effects of coal mining practices, on eligible lands, if the commissioner finds that:

(a) an emergency exists constituting a danger to the public health, safety, or general welfare; and

(b) no other person or agency will act expeditiously to restore, reclaim, abate, control, or prevent the adverse effect of coal mining practices.

(2) The commissioner, his agents, employees, and contractors, shall have the right to enter upon any land where the emergency exists, and any other land, to have access to the land where the emergency exists to restore, reclaim, abate, control, or prevent the adverse effects of coal mining practices, and to do all things necessary or expedient to protect the public health, safety, or general welfare. Such entry shall be construed as an exercise of the police power, and shall not be construed as an act of condemnation of property nor of trespass thereon. The money expended for such work and the benefits accruing to any such land shall mitigate or offset any claim in or any action brought by any owner of any interest in such premises for alleged damages by virtue of such entry; provided, however, that this provision is not intended to create new rights of action or eliminate existing immunities.

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Section 10.

(a) No operator shall engage in coal surface mining operations which affect two (2) acres or less without having first obtained from the commissioner a permit for the surface mining operation.

All permits issued pursuant to the requirements of this part shall be issued for a term not to exceed one (1) year. Such permits shall be granted by the commissioner only if the requirements and criteria set forth in this part and any regulations pertaining to those requirements are satisfied; and only upon the submission by the operator and approval by the commissioner of a bond, permit fee, and acreage fees for all acres permitted, a mining and reclamation plan, and other information as provided in this part and regulations issued pursuant to this part. The permit shall authorize the operator to conduct coal surface mining operations on the area described in the application and approved plan; provided that mining, regrading, and initial seeding are completed within one (1) year of permit issuance.

(b) The issuance of permits shall be subject to the payment of the fee and the posting of the performance bond as prescribed in this part and submission of such information necessary to assure compliance with this part as prescribed by regulations of the commissioner.

(c) The issuance of a permit shall be subject to the submission of a copy of the written determination made by the U. S. Office of Surface Mining, pursuant to 30 CFR Section 700.11(c) that the proposed operation is exempt from the federal Surface Mining Control and Reclamation Act of 1977, as amended.

(d) Information pertaining to coal seams, test borings, core samplings or soil samples required by this section shall be made available to any person with an interest which is or may be adversely affected; provided, that information which pertains only to the analysis of the chemical and physical properties of the coal (excepting information regarding any mineral or elemental content which is potentially toxic in the environment) shall be kept confidential and not made a matter of public record.

(e) Each applicant for a coal surface mining permit shall submit to the commissioner as part of the permit application, a reclamation plan which shall meet the requirements of this part.

(f) Each applicant for a coal surface mining permit shall file a copy of his complete application for public inspection with the registrar of deeds at the courthouse of the county, or an appropriate public office approved by the commissioner, where the mining is proposed to occur, except for that information pertaining to the coal itself. The application shall be filed for public review within five (5) days of application submittal to the commissioner.

(g) Each applicant for a coal surface mining permit shall submit as part of the permit application, a certificate issued by an insurance company authorized to do business in the state of Tennessee, certifying that the applicant has a public liability insurance policy in force for the surface mining and reclamation operation for which such permit is sought, or evidence that the applicant has satisfied other state or federal self-insurance requirements. Such policy shall provide for personal injury and property damage protection in an amount adequate to compensate any persons damaged as a result of surface mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. Such policy shall be maintained in full force and effect during the terms of the permit or any renewal, including the length of all reclamation operations.

(h) The commissioner may by rule or regulation set criteria for obtaining a permit exemption for the following:

(1) extraction of coal as an incidental part of federal, state or local government financed highway or other construction, or

(2) construction operations involving less than one (1) acre in disturbance where coal removal is incidental to the purpose of the construction and not inconsistent with the purposes of this part.

(i) An on-the-ground inspection of the proposed affected area shall be made by the commissioner before a new permit is issued.

(j) The applicant shall submit the name, permanent address, and an address to be used in connection with the operation covered by the permit, and the phone number of any subcontractor to be used in the mining operation. Where the applicant or subcontractor is a corporation, a duly certified copy of the corporate charter shall be submitted in addition to the other required information.

(k) The commissioner shall require all permittees to keep such records and make such reports as he may require by rule.

(l) The authorized representatives of the commissioner, without advance notice or a search warrant, and upon presentation of appropriate credentials:

(1) shall have the right of entry to, upon, or through any surface coal mining and reclamation operation or any premises in which any records required to be maintained are located; and

(2) may at reasonable times, and without delay, have access to and copy any records, and inspect any monitoring equipment or method of operation required under this part.

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(m) A permit shall not be issued to an applicant who has been issued another permit previously, unless and until the requirements for partial bond release have been met.

Section 11.

(a) Each permit application shall include a mining and reclamation plan which shall contain such information as the commissioner, by regulation, requires as necessary to demonstrate that reclamation required by this part can be accomplished.

(b) The mining and reclamation plan may be changed with the commissioner's approval at any time upon application of the operator, to take account of changes in conditions or to correct any previous oversight. The commissioner may also order a change in the reclamation plan for the same reasons.

(c) The plans shall be kept current and shall be carried out concurrently with the surface mining operation. All backfilling, grading, shaping, topsoiling, and cover crop sowing, if necessary, shall be completed within ninety (90) days after completion of the removal of the coal. All of the site preparation and revegetative work shall be carried out within such time as permitted by the commissioner's regulations, which shall not be more than the first seeding or planting season after conclusion of the backfilling, grading and reshaping. Any waiver from the above schedule must be in writing from the commissioner. Each operator shall file a completion report within thirty (30) days after initial seeding and annually thereafter, showing those portions of the affected area for which reclamation in accordance with the approved plan has been completed until final bond release. The commissioner shall inspect such areas and shall notify the operator whether the reclamation is accepted as being in accordance with the approved plan, or whether there are deficiencies which must be corrected.

(d) In addition to the requirements specified in subsection (a), the mining and reclamation plan submitted by the operator in connection with his application for a permit shall include a detailed topographic map, prepared by a registered engineer, or registered land surveyor, on a United States geological survey map, or aerial photograph, or equivalent as may be approved by the commissioner, and on such scale as the commissioner shall require by regulation showing:

(1) The area of land affected, the location of the stream or streams or any standing body of water into which the area drains, the location of drainways and the planned siltation traps and other drainage controls and the location of haul or other access roads to be prepared or used by the operator in the mining operation;

(2) The location of any buildings, cemeteries, public highways, railroad tracks, gas and oil wells, publicly owned land, officially designated scenic areas, utility lines, underground mines, transmission lines or pipe lines within the affected area or within five hundred feet (500') thereof;

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(3) The approximate location of the cuts or excavations to be made in the surface and the estimated location and height of spoil banks, and the total number of acres involved in the area of land affected; and,

(4) The date the map was prepared, together with a certification as to its accuracy by the person responsible for its preparation.

(e) The surface mining application will be accompanied by a detailed mining plan showing the depth and character of overburden; the thickness of the coal being mined; method of mining; mine waste disposal areas; the manner, timing and distance for backfilling, grading work; final mine waste disposal areas and final shape of stable slope; and a reclamation plan for haul roads that are to be left, which proposals shall meet the provisions of this section and all rules and regulations adopted pursuant thereto by the commissioner. The application shall assure that all reshaping will be completed within such time as permitted by the commissioner's regulations which shall not be more than three (3) months after completion of the removal of the coal being mined.

Section 12.

(a) When an application is submitted, the applicant shall file with the commissioner, on a form prescribed and furnished by the commissioner, a bond payable to the state of Tennessee and conditioned on the faithful performance of the provisions of his permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations. The bond shall be executed by the operator and a corporate surety who is approved by the commissioner and properly authorized to act as such surety and licensed to do business in the state of Tennessee; provided, however, that the operator may elect to deposit cash or negotiable certificates of deposit assigned irrevocably to the state, or negotiable United States treasury bonds or negotiable general obligation municipal or corporate bonds, which municipal or corporate bonds have the highest rating by Moody's and/or Standard and Poor's rating services, with the treasurer of the state of Tennessee in lieu of a corporate surety. The treasurer shall receive and hold such deposits in the name of the state of Tennessee, in trust, for the purposes for which such deposit is made, and shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit shall be entitled from time to time to demand and receive from the treasurer, on the written order of the commissioner, the whole or any portion of any securities so deposited upon depositing with the treasurer, in lieu thereof, other negotiable securities of the classes herein specified having a market value at least equal to the sum of the bond, and also to demand and recover the interest income from said securities as the same becomes due and payable; provided, however, that the treasurer, at the request of the operator, shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator.

(b) The amount of bond or cash deposit or marketable value of the securities shall be ten thousand dollars (\$10,000). Liability under each bond shall be continuous until the reclamation provisions of this part and regulations have been fulfilled.

(c) Local governmental entities and state agencies may execute their own bonds as surety.

Section 13. upon the basis of a complete mining application and reclamation plan as required, including public notification and the opportunity for public comment and a public hearing, the commissioner shall grant, require modification of, or deny the application for a permit in not less than thirty (30) days nor more than sixty (60) days, and notify the applicant in writing. The applicant for a permit shall have the burden of establishing that his application is in compliance with all the requirements of the program.

Section 14.

(a) No permit application shall be approved unless the applicant affirmatively demonstrates, and the commissioner finds in writing, on the basis of the information set forth in the application or from information otherwise available which will be documented in the approval and made available to the applicant, that:

(1) the permit application is accurate and complete and that the applicant has complied with all the requirements of this part and any regulations issued pursuant to this part;

(2) the applicant has demonstrated that reclamation as required by this part and any regulations issued pursuant to this part can be accomplished under the reclamation plan contained in the permit application;

(3) that no part of the operation would constitute a hazard to a dwelling house, public building, school, church, cemetery, commercial or institutional building, public road, stream, lake, reservoir, water wells, officially designated scenic areas or other private or public property;

(4) the area proposed to be mined for coal is not included within an area designated unsuitable for surface coal mining pursuant to 30 USC Section 1201 et seq. or is not within an area under study for such designation in an administrative proceeding commenced pursuant to such law (unless the operator demonstrates that prior to January 1, 1977, he has made substantial legal and financial commitments in relation to a mining operation for which he is applying for a permit);

(5) Identification of the owner or owners of the coal to be mined;

(6)

(A) Identification of the source of the operator's legal right to enter and mine the coal on the land affected by the permit and whether that right is the subject of pending court litigation.

(B) Evidence of the operator's legal right to surface mine the minerals on the land affected by the permit. If the surface estate has been severed from the mineral estate, such evidence may be provided by either:

(i) A deed, lease, or other document which severs the mineral rights and expressly permits the removal of minerals by surface mining or a certified extract of the appropriate provisions of such documents; or

(ii) A deed, lease or conveyance which severs the mineral rights without specific provisions for surface mining and an accompanying affidavit by the current surface estate owner agreeing to the removal of such minerals by surface mining;

(b) In cases where the private mineral estate has been severed from the private surface estate, the applicant has submitted to the commissioner:

(1) the written consent of the surface owner to the extraction of coal by surface mining methods; or

(2) a conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

(3) if the conveyance does not expressly grant the right to extract coal by surface mining methods, the surface-subsurface legal relationship shall be determined by law; provided, that nothing in this part shall be construed to authorize the commissioner to adjudicate property rights disputes.

Section 15.

(a) The permit applicant shall publish an advertisement in a newspaper of general circulation in the locality of the proposed site, which describes the ownership, the exact location, and boundaries of the proposed site specifically enough that the proposed operation can be readily located by local residents, and the location of the place where the application is available for public inspection. Such advertisement shall be published at least once within thirty (30) days prior to the filing of an application with the commissioner and shall be in such form as shall be specified by regulation.

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(b) Any person may have the right to see and review the entire application, except for information for which confidentiality is provided in this part or otherwise by law, and any person having an interest which is or may be adversely affected, or the officer or head of any federal, state, or local governmental agency or authority may file written objections to the application for a permit within thirty (30) days after the receipt of an application. Any written comments received shall be taken into consideration when the commissioner makes a determination on the application.

(c) If the application is approved, the permit shall be issued. If the application is disapproved, specific reasons therefore must be set forth in the notification. Any person with an interest which is or may be adversely affected by any decision of the commissioner in granting, denying, or modifying any permit application, may appeal to the board of reclamation review within thirty (30) days. Such hearing shall be held within sixty (60) days of filing of such appeal and the hearing shall otherwise be conducted as provided in Tennessee Code Annotated, Section 59-8-321(g).

Section 16.

(a) Any permit issued under this part to conduct surface coal mining operations shall require the operator to meet all applicable performance standards of this part, any other environmental laws and regulations which relate to the operation and any other requirements that the commissioner shall promulgate.

(b) Such performance standards referred to in subsection (a) of this section include:

(1) Quick and permanent soil stabilization must be achieved by planting of grasses, legumes and trees or shrubs, or any prescribed combination thereof;

(2) Backfilling and grading must be performed timely to prevent the impoundment and contamination of water in pits;

(3) Drainage from affected areas must be controlled so as to minimize concentration of suspended solids to waters of the state;

(4) All acid producing material must be buried on the protected area;

(5) All highwalls exposed during the mining process other than previously existing highwalls must be eliminated; provided, however, that if a prior existing highwall is disturbed, the highwall must be eliminated to the extent of the new exposure.

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Section 17.

(a) The commissioner shall cause to be made such inspections of any coal surface mining and reclamation operations as are necessary to evaluate the administration of the program or to determine whether such operation is in compliance with this part and all regulations and permits issued pursuant to this part, and for such purposes authorized representatives of the commissioner shall have a right of entry to, upon, or through, any surface coal mining and reclamation operation, and/or exploratory operations.

(b) The inspections shall be conducted in such manner and frequency as prescribed in regulations promulgated by the commissioner, and no requirement for a search warrant shall be imposed. Any person conducting coal surface mining operations in the state of Tennessee is put on notice that such frequent unannounced warrantless searches will be conducted for the purpose of carrying out this act.

(c) Each permittee shall conspicuously maintain at the entrances to each surface coal mining and reclamation operation, a clearly visible sign which sets forth the name, business address, and phone number of the permittee, and the permit number of the surface coal mining and reclamation operations.

(d) Each inspector, upon detection of each violation of any requirement of this part or any regulation or permit issued pursuant to this part shall immediately inform the operator in writing and shall report in writing any such violation to the commissioner.

Section 18.

(a) The commissioner may release all or part of the bond or deposit when he is satisfied that the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this part. Releases and partial releases shall be accomplished as follows:

(1) When the operator completes the backfilling, regrading, topsoiling, drainage control, site preparation, soil treatments, mulching, and initial planting of the vegetative cover in accordance with the approved plan as noted on a completion report, the commissioner shall issue to the operator and his surety a partial release of seventy percent (70%) of the bond. The remaining bond shall be held for one (1) year, at a minimum, to assure that all reclamation requirements have been successfully met.

(2) The permittee shall not be denied access to the mining site for the purposes of completing or maintaining reclamation work because of the expiration of his lease, until all of his performance bond has been released.

(b) If the commissioner disapproves the application for release of the bond or portion thereof, he shall notify the permittee and his surety, stating the reasons for disapproval and recommending specific corrective actions necessary to secure the release, and allowing him an opportunity for a hearing before the board of reclamation review. This notice and recommendation shall be handed to the operator in person, or served by certified mail addressed to the permanent address shown on the application for a permit. The notice shall specify in what respects the operator has failed to comply with this part, or the regulations of the commissioner.

Section 19.

(a) If an operator violates the requirements of this part or regulations adopted pursuant thereto, or the terms of any permit or the terms of any order of the commissioner or his designee, the commissioner or his designee may issue a written notice of noncompliance to be delivered in accordance with the provisions of this section to the operator fixing a reasonable time for correction. The total time for abatement under a notice of violation, including all extensions, shall not exceed sixty (60) days from the date of issuance, in accordance with rules promulgated pursuant to this part. If necessary, the commissioner or his designee shall order suspension or revocation of a permit and forfeiture of the bond according to the provisions of this part. The commissioner shall also issue an immediate cease order to any operator mining without a valid permit, or mining an area not covered by a valid permit.

(b) If the commissioner determines that any condition or practice exists, or that the operator is in violation of any requirement of this part or any permit condition required by this part, which condition, practice, or violation also creates an imminent danger to the health and safety of the public, or is causing, or can reasonably be expected to cause significant and imminent, environmental harm to land, air, or water resources, the commissioner shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the condition, practice, or violation and commence bond forfeiture proceedings. Such cessation order shall remain in effect until the commissioner or his designee determines that the condition, practice, or violation has been vacated, or terminated by the commissioner pursuant to subsection (d) of this section. Where the commissioner finds that the ordered cessation of surface coal mining and reclamation operations, or any portion thereof, will not completely abate the imminent danger to health and safety of the public or the significant and imminent environmental harm to land, air, or water resources, the commissioner shall, in addition to the cessation order, impose affirmative obligations on the operator requiring him to take whatever steps the commissioner deems necessary to abate the danger or harm.

(c) Notices, and cease orders issued pursuant to this section shall set forth with reasonable specificity the nature of the noncompliance and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the surface coal mining and reclamation operation to which the notice or cease order applies. Each notice or cease order issued under this section shall be handed promptly to the operator and/or subcontractor in person, or served by certified mail addressed to the operator and/or subcontractor's permanent address shown on the application for a permit, or where there is no permit, to the operator's last known address, by the commissioner and all notices or cease orders, shall be in writing and shall be signed by the commissioner or his designee. If such order is not complied with or the operator refuses or fails to correct the violation, the permit may be revoked and the performance bond shall then be forfeited to the commissioner or his designee. Any notice or cease order issued pursuant to this section may be modified, vacated, or terminated by the commissioner. If, however, the operator makes no reasonable attempt to abate the violation within the prescribed abatement period the bond shall be forfeited in accordance with this part.

(d) Any operator who receives any notice of noncompliance or cease order, from the commissioner or his designee may request a formal review before the board as provided in Tennessee Code Annotated, Section 59-8-321 and Section 4-5-301, et seq. Any request for review made pursuant to this section shall be made, in writing, within thirty (30) days from receipt of the notice or order. Failure to forward such request to the commissioner or his designee within thirty (30) days from receipt of the notice or order shall result in a waiver of all legal rights to contest such notice or order.

(e) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Tennessee Rules of Civil Procedure.

(f) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any of the provisions of this part and the regulations issued pursuant to it, or to seek any other relief.

(g) Any person who is injured in his person or property through the violation by any operator of any regulation, order, or permit issued pursuant to this part may bring an action for damages against the operator (including reasonable attorney and expert witness fees) only in the Davidson County chancery court or the chancery court of the county in which the coal mining operation complained of is located. Nothing in this subsection shall affect the rights established by or limits imposed under state workers' compensation law.

Section 20.

(a) Whenever the commissioner determines that remedial action required by any notice of noncompliance or cease order is not being carried out satisfactorily, he may revoke the permit and commence bond forfeiture proceedings consistent with this section.

(b) Permit revocation and bond forfeiture proceedings shall be commenced by issuing a notice of intent to revoke the permit and forfeit the bond.

(1) The notice shall be sent to the permittee and their surety.

(2) The permittee or his surety may request a public informal meeting with the commissioner or his designee to review the notice of intent. Such meeting must be requested within ten (10) days of receipt of the notice or the meeting will not be held.

(3) All such meetings must be held within twenty (20) days of receipt of the request.

(c) If a person fails to timely request an informal meeting pursuant to subsection (b), the notice of intent shall become the final order of permit revocation and bond forfeiture.

(d) After conducting an informal meeting pursuant to subsection (b), the commissioner or his designee may take any of the following actions:

(1) issue a final order of permit revocation and bond forfeiture;

(2) withdraw revocation and forfeiture proceedings; or

(3) enter into an agreement with the permittee or his surety for complete reclamation, under the following conditions:

(i) no such agreement may exceed thirty (30) days for backfilling, grading, and initial seeding;

(ii) if the commissioner or his designee determines that the agreement is not being complied with, he may issue a final order of permit revocation and bond forfeiture.

(e) When a notice of intent to revoke the permit and forfeit the bond becomes final because of failure to appeal, or if the commissioner issues a final order to revoke the permit and forfeit the bond, the permittee shall immediately tender or cause to be tendered the bond to the commissioner.

(f) Any person who is aggrieved by a final order of revocation and forfeiture, may appeal the decision to the board of reclamation review pursuant to Tennessee Code Annotated, Section 59-8-321 (g). Such person shall make a request for appeal and tender the amount of the bond to the commissioner within thirty (30) days from service of the final order. If the bond is other than cash, the bond must be converted to cash and deposited with the commissioner. Failure to request an appeal and submit the bond amount within thirty (30) days shall result in a waiver of all rights to contest the permit revocation and bond forfeiture and any underlying violations which may have led to the revocation and forfeiture.

(g) After the permit is revoked and the bond is forfeited, the commissioner may collect the bond. If judicial action is required to collect the bond, it shall be the duty of the attorney general and reporter upon request of the commissioner to take appropriate action to collect the bond. All proceeds from the bonds shall be placed in the surface mining reclamation fund established in Tennessee Code Annotated, Section 59-8-326.

(h) The commissioner is authorized once the bond is tendered or otherwise collected to use the proceeds for such reclamation as is necessary regardless of whether or not an appeal is requested or hearing is pending. If through administrative or judicial review it is determined that no violation occurred or that the bond should otherwise be released, the commissioner shall within thirty (30) days, remit the appropriate amount to the operator, with interest, at the rate of six percent (6%) or at the prevailing department of treasury rate whichever is greater.

Section 21.

(a) The commissioner may request the attorney general to institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, and venue and jurisdiction for such action shall be in the Davidson County chancery or circuit court or the chancery court or circuit court in whose district the surface mining operation is located, the provisions of Section 20-4-101 to the contrary notwithstanding, whenever such person, operator, or agent:

(1) violates or fails or refuses to comply with any cease order issued by the commissioner under this part;

(2) interferes with, hinders, or delays the commissioner or his authorized representatives in carrying out the provisions of this part:

(3) refuses to admit such authorized representative to a coal mine;

(4) refuses to permit inspection of a coal mine by such authorized representatives;

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(5) refuses to furnish any information or report requested by the commissioner in furtherance of the provisions of this part;

(6) refuses to permit access to, and copying of, such records as the commissioner determines necessary in carrying out the provisions of this part; or

(7) violates or threatens to violate any of the provisions of this part, or regulations promulgated pursuant to this part, or a permit issued pursuant to this part, or violates or threatens to violate any cease order or determination promulgated pursuant to the provisions of this part.

(b) The commissioner may bring suit for injunctive enforcement of any cease order issued by him when any cease order has become final as a result of any person's failure to appeal to the board of reclamation review, and such person has failed to comply with the cease order. In such suits, all findings of fact contained in the cease order and complaint shall be deemed to be final, and not subject to review except as to receipt of notice of the cease order, but the defendant may proffer evidence showing that he has in fact complied with the commissioner's order. The cease order issued by the commissioner in such cases shall be presumed to be reasonable and valid, and it shall be presumed that the commissioner has complied with all requirements of the law. The board may likewise bring suit for enforcement of any cease order issued by it, which has become final either by the failure of any person to appeal the board's cease order or by an appellate court's decision against any person who fails to comply with such final cease order. In such suits, the board's decision shall not be subject to challenge as to matters of fact, but the violator may proffer evidence showing that he has in fact complied with the board's cease order.

(c) Any suit for a permanent or temporary injunction, restraining order, or any other appropriate order brought by the commissioner shall be filed and venue and jurisdiction for such action shall be in the Davidson County chancery court or circuit court, or the chancery court or circuit court in whose district the surface mining operation is located, in which all or a part of the violation is or is about to occur, the provisions of Section 20-4-101 to the contrary notwithstanding, in the name of the department by the district attorney general or by the attorney general at the direction of the commissioner or the board. Such proceedings shall not be tried by jury.

(d) Nothing in this part shall be construed so as to eliminate any additional enforcement rights or procedures which are available under any state law to the commissioner but which are not specifically enumerated herein.

Section 22.

(a) Every application for a surface coal mining permit shall be accompanied by a fee of three thousand dollars (\$3,000).

(b) Local government entities and state agencies are exempted from permit fees.

(c) All permit fees collected pursuant to this part are credited, appropriated and allocated to the department for the administration and enforcement of the provisions of this part. Any such revenue and any interest thereon which is unexpended or unobligated at the end of any fiscal year shall not revert to the general fund but shall be carried forward in a reserve to remain available for expenditure by the department for such administration and enforcement. Such reserve shall not be subject to allotment impoundment and shall be maintained on a no quarter basis.

Section 23.

(a) It shall be unlawful for any dealer, broker, or other purchaser to purchase coal from an operator without first being shown such operator's valid coal surface mining permit.

(b) Each dealer, broker or other purchaser shall maintain a record on forms furnished by the commissioner of each purchase of coal, including the date of purchase, the number of tons purchased, the name of the operator, and the operator's permit number, and shall furnish such information to the commissioner at intervals of not less than sixty (60) days.

Section 24. Any agency, unit, or instrumentality of state, federal, or local government, including any publicly owned utility or publicly owned corporation of state, federal, or local government, which proposes to engage in mining operations which are subject to the requirements of this part, shall comply with the provisions of this part. Provided, however, that local governmental entities and state agencies shall not be subject to fees or bonds except as otherwise required by this part.

Section 25. Nothing in this part shall be construed to limit or invalidate the provisions of Tennessee Code Annotated, Section 66-5-102.

Section 26. Tennessee Code Annotated, Title 59, Chapter 8 is amended by adding Sections 2 through 26 of this act as a new part.

Section 27. If any provision of this act, or the application of any provision of this act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this act, shall not be affected thereby.

Section 28. This act shall take effect on September 1, 1987; provided, however, that for rule promulgation purposes, the act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1121 by deleting the words "surface coal mining" wherever they appear and by substituting instead the words "coal surface mining".

AND FURTHER AMEND by deleting the word "party" and by substituting instead the word "part" in Section 7(17), as amended.

AND FURTHER AMEND by deleting the words ", revegetation plans, and post-mining land use plans" in Section 8(5), as amended.

AND FURTHER AMEND by deleting the words "bond, permit fee, and acreage fees" in the second sentence of the second paragraph of Section 10(a), as amended, and substituting in lieu thereof, "bond and permit fee".

AND FURTHER AMEND by deleting the words "pertaining to the coal itself" in the first sentence of Section 10(f), as amended, and substituting in lieu thereof "referred to in subsection (d) as confidential".

AND FURTHER AMEND by deleting the words "terms of the permit or any renewal" in Section 10(g), as amended, and substituting in lieu thereof "term of the permit".

AND FURTHER AMEND by deleting the language in Section 10(j), as amended, and substituting in lieu thereof the following:

(j) The applicant shall submit his name, permanent address, an address which will be used in connection with the operation covered by the permit and telephone number. The applicant shall also identify the operator and any subcontractors which will be used in connection with the operation and provide their names, permanent addresses, and telephone numbers. Where a corporation is identified either as an applicant, operator, or subcontractor, the applicant must also submit a certified copy of the corporate charter, a list of the board of directors and officers of the corporation and identify any person who has a controlling interest in the corporation. Where a partnership, sole proprietorship or other business enterprise is identified either as an applicant, operator, or subcontractor the applicant shall submit the names and addresses of all partners or other persons with a controlling interest in the business venture. For purposes of this act, "controlling interest" means ownership of ten percent (10%) or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what the other does, or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of. The applicant shall also identify any members of his same family and their relatives who have been issued a permit pursuant to this part.

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AND FURTHER AMEND by adding after the first sentence in Section 10(m), as amended, the following:

No person who has forfeited a bond under this act prior to meeting requirements for partial bond release shall be issued a permit. No permit shall be issued to an applicant who identifies an operator or subcontractor pursuant to subsection (j) who has forfeited a bond under this act prior to meeting requirements for partial bond release.

AND FURTHER AMEND by adding after the second sentence in Section 11(b), as amended, the following language:

Any revision which proposes significant alteration to the mining or reclamation plan shall be subject to the same notice and public hearing requirements as an application for a permit. The commissioner shall promulgate rules and regulations specifying what constitutes such significant alteration.

AND FURTHER AMEND by deleting the second sentence of Section 11(c), as amended, in its entirety and substituting in lieu thereof:

Any backfilling, grading, shaping, topsoiling, and cover crop sowing, if necessary, shall be completed within ninety (90) days after completion of the removal of the coal from a particular pit, area, or acre as identified in the mining and reclamation plan.

AND FURTHER AMEND by inserting the punctuation and words ", in penal sum," in Section 12(a), as amended, between the words "Tennessee" and "and conditioned" in the first sentence thereof.

AND FURTHER AMEND by adding after the second sentence of Section 15(a), as amended, the following language:

The permit applicant shall notify every legal or equitable owner of record if different than the applicant of all surface areas contiguous to any part of the permit area by certified mail within thirty (30) days prior to the filing of the application of the proposed coal surface mining operation. The permit application shall contain proof of such notification.

AND FURTHER AMEND by adding a new subsection (e) in Section 17, as amended, to read as follows:

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(e) Whenever on the basis of any information available to him, including receipt of information from any person, the commissioner has reason to believe that any person is in violation of any requirement of the act, regulation issued pursuant to this act, or any permit condition, order, or notice of noncompliance issued under this act, the commissioner shall investigate and if the violation is confirmed, take appropriate action within ten (10) days (or immediately if proof is provided that an imminent substantial danger exists). The identity of any person supplying information shall remain confidential if requested by such person. When an inspection results from information provided to the commissioner by any person, the commissioner shall notify such person when the inspection is proposed to be carried out and such person shall be allowed to accompany the inspector during the inspection; provided, however, any person so accompanying the inspector shall comply with all state and federal safety requirements. Within ten (10) days of the inspection or fifteen (15) days of the complaint if there is no inspection, the commissioner shall send a complete report to the complainant. Any person dissatisfied with the action of the commissioner may appeal to the board of reclamation review as provided in Tennessee Code Annotated, Section 59-8-321.

AND FURTHER AMEND by deleting the word "may" and by substituting instead the word "shall" in the first sentence of Section 19(a), as amended.

AND FURTHER AMEND by inserting between the second and third sentences of Section 19(a), as amended, the following:

If, upon expiration of the period of time originally fixed or subsequently extended, the commissioner or his designee finds that the violation has not been abated, he shall immediately order a cessation of surface coal mining and reclamation operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the commissioner or his designee determines that the violation has been abated, or until modified, vacated, or terminated by the commissioner or his designee in accordance with this section. In the order of cessation, the commissioner or his designee shall determine the steps necessary to abate the violation in the most expeditious manner possible and shall include the necessary measures in the order.

AND FURTHER AMEND by adding a new sentence after the first sentence in Section 20(a), as amended, to read as follows:

The commissioner shall recommend such proceedings whenever the remedial action required under a cease order issued pursuant to Section 19(a) is not satisfactorily completed within sixty (60) days of issuance of the cease order.

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On motion, the amendment was adopted.

Mr. Speaker Murray relinquished the Chair to Mr. Bivens Speaker pro tem.

Thereupon, House Bill No. 1121, as amended, passed its third and final consideration by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussey, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

A motion to reconsider was tabled.

House Bill No. 73--Government Public Obligations Act of 1986.

Mr. Byrd moved that House Bill No. 73 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 73 by deleting Sections 1, 2, and 3 in their entirety and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 9-21-213, is amended by adding the following language as a new subsection (c):

Notwithstanding any other provision of this chapter to the contrary, whenever the governing body of the local government is authorized to

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issue and sell general obligation bonds, it may by resolution authorize the issuance and sale of no more than three million dollars (\$3,000,000) per issue of general obligation bonds to be known as citizens bonds, provided that the aggregate amount of citizens bonds outstanding cannot exceed twenty percent (20%) of the aggregate outstanding debt of the local government. Citizens bonds shall mature at such time or times not exceeding twenty (20) years from their respective dates. The governing body of the local government must disclose to each purchaser of a citizens bond the interest rate of return on a fully taxable investment which would be equivalent to the tax-free yield on the citizens bond assuming the highest marginal rate of income tax under the Internal Revenue Code of 1986, as amended.

Upon the adoption by the governing body of the initial resolution authorizing the issuance of the citizens bonds, the governing body shall submit for review and approval to the state director of local finance the proposed method of pricing and the disclosure documents as required by this section. The director shall approve or disapprove the sale of citizens bonds in writing within fifteen (15) days from the date of receipt of the initial resolution and documentation required by this section or otherwise deemed appropriate. Approved citizens bonds may be sold at either a competitive or negotiated sale; however, no one individual or entity may purchase twenty-five percent (25%) or more of the original offering of the citizens bonds. Prior to the negotiated sale of citizens bonds and as a factor in the state director's approval of a negotiated sale of citizens bonds, the local government shall submit to the state director certificates from two (2) disinterested bondhouses indicating the approximate rates of interest which, in the opinions of the bondhouses, would be bid if the citizens bonds were to be sold at a competitive sale.

The local government shall make provision in the resolution for the retirement of a portion of the citizens bonds equal to not less than one-twentieth (1/20) of the citizens bonds or such other provision to provide funds for retirement. In approving any issue of citizens bonds, the state director may waive the requirement for periodic retirement.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 73, as amended, passed its third and final consideration by the following vote:

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Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--92.

Representative present and not voting was: Copeland--1.

A motion to reconsider was tabled.

Mr. Speaker Murray resumed the Chair.

FURTHER CONSIDERATION OF SENATE BILL NO. 1126

Thereupon, Senate Bill No. 1126, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence),

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Moore (Shelby), Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Representative present and not voting was: Moody--1.

A motion to reconsider was tabled.

Mr. Love moved that House Bill No. 87 be placed on the Calendar for Thursday, April 2, 1987, which motion prevailed.

House Bill No. 610-- Educational Requirements CPA.

On motion, House Bill No. 610 was made to conform with Senate Bill No. 905.

On motion, Senate Bill No. 905, on same subject, was substituted for House Bill No. 610.

Mr. Chiles moved that Senate Bill No. 905 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

House Bill No. 1195--Grundy Quarles Parkway.

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On motion, House Bill No. 1195 was made to conform with Senate Bill No. 858.

On motion, Senate Bill No. 858, on same subject, was substituted for House Bill No. 1195.

Mr. Winningham moved that Senate Bill No. 858 be passed on third and final consideration.

Mr. Winningham moved to amend as follows:

AMENDMENT NO. 1

AMEND Senate Bill No. 858 by deleting the words and figures "Interstate 40 to Gainsboro to the Kentucky border" in Section 1 and by substituting instead the words "the boundary line between Putnam and Jackson Counties to the boundary line between Clay and Jackson Counties".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 858, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

A motion to reconsider was tabled.

House Bill No. 325--Local Government Emergency Act.

Mr. Miller moved that House Bill No. 325 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes 97
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 538--Absentee voting.

On motion, House Bill No. 538 was made to conform with Senate Bill No. 908.

On motion, Senate Bill No. 908, on same subject, was substituted for House Bill No. 538.

Mr. Miller moved that Senate Bill No. 908 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

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A motion to reconsider was tabled.

House Bill No. 421--Retirement, local government service.

On motion, House Bill No. 421 was made to conform with Senate Bill No. 697.

On motion, Senate Bill No. 697, on same subject, was substituted for House Bill No. 421.

Mr. Bell moved that Senate Bill No. 697 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

House Bill No. 409--Certain clerk fees.

On motion, House Bill No. 409 was made to conform with Senate Bill No. 444.

On motion, Senate Bill No. 444, on same subject, was substituted for House Bill No. 409.

Mr. Hillis moved that Senate Bill No. 444 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey,

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Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Mr. King moved that Senate Bill No. 22 be placed on the Calendar for Thursday, April 2, 1987, which motion prevailed.

Mr. Buck moved that House Bill No. 948 be placed on the Calendar for Wednesday, April 8, 1987, which motion prevailed.

House Bill No. 1114--Television and film production.

Mr. Naifeh moved that House Bill No. 1114 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1114 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 50, is amended by deleting the part in its entirety and substituting instead the following:

Section 4-3-5001. This part shall be known and may be cited as the "Tennessee Film and Entertainment Commission Act of 1987".

Section 4-3-5002. As used in this part, unless the context otherwise requires:

(a) "Production activities" mean activities related to the production of entertainment properties.

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(b) "Entertainment properties" mean motion pictures, television programs, sound recordings and other audio, video or audiovisual programs produced for distribution to the public.

(c) "Production facilities" mean streets, roads, highways, buildings, real or personal property or personal services.

(d) "Local government" means any county, municipality, city or other political subdivision of this state.

Section 4-3-5003.

(a). There is created within the office of the governor the Tennessee film and entertainment commission. The commission shall be administered by an executive director who shall be appointed by the governor, whose compensation shall be established by the governor and who shall serve at the pleasure of the governor. For administrative purposes only, the commission shall be attached to the department of economic and community development.

(b) To effectuate the purpose of this part, the executive director may:

(1) Request from any branch, department, division, board, bureau, commission, or other agency of the state or that receives state funds, and the same shall provide, such information as will enable the executive director to best serve the commission and perform the duties required by this part;

(2) Enter into agreements with any local government authorizing the commission to grant permission, in accordance with rules or regulations promulgated by the commission, for use of any production facilities within the control or jurisdiction of such local government for or in connection with production activities;

(3) Coordinate the use of production facilities within the control of any branch, department, bureau, commission or other agency of this state for or in connection with production activities and, after receipt of authorization from the appropriate official or officials, to grant permission for the use of such facilities; and

(4) Issue permits to producers of entertainment properties in accordance with rules and regulations promulgated by the commission.

Section 4-3-5004.

(a). The Tennessee film and entertainment commission shall be composed of nine (9) Tennessee citizens who have experience in and knowledge of the film, television or music industries. The commission shall be appointed by the governor to assist and counsel the governor on the subject for which it was created.

(b) The members of the commission shall be appointed for terms of six (6) years. In making the initial appointments, three (3) members shall be appointed for two (2) year terms, three (3) members shall be appointed for four (4) year terms and three (3) members shall be appointed for six (6) year terms. Thereafter, all appointments shall be for the full term. At least one (1) member of the commission shall reside in each grand division of the state. Each member shall serve until his successor is appointed and if a vacancy occurs on the commission, it shall be filled by the governor for the remainder of the unexpired term. The governor shall designate one (1) member of the commission to serve as chairman.

(c) The commission shall meet at least quarterly but may meet as often as the duties of such commission require.

(d) The commission members shall receive no compensation for their services on the commission but shall receive reimbursement for expenses incurred in attending meetings of the commission and for travel incident thereto in accordance with the provision of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

(e) The governor may appoint a film and entertainment advisory council to assist and advise the commission in the performance of its duties. Such council shall be appointed by the governor and the number of its members shall be determined by the governor. Each advisory council member shall be appointed for a two (2) year term and the duties of the council shall be established by the commission.

Section 4-3-5005.

(a). The purpose of the Tennessee film and entertainment commission shall be to attract and bring to this state the production activities of film, television, record and other producers of entertainment properties; to develop increased production activities by those producers of entertainment properties already located in this state; and to coordinate the needs of the producers of entertainment properties with the needs of the citizens of this state and of the various departments of state and local governments.

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(b) To accomplish the purposes of the film and entertainment commission, it shall have the authority to promulgate all necessary rules and regulations in accordance with the uniform administrative procedures act codified in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. For the purposes of appointing the executive director and the members of the commission created by this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect on July 1, 1987.

Mr. Naifeh moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting from the amendatory language of Section 4-3-5001 of Section 1 of House Commerce Committee amendment 1 the words "Tennessee Film and Entertainment Commission" and substituting instead the words "Tennessee Film, Entertainment and Music Commission".

FURTHER AMEND by deleting from the amendatory language of the first sentence of Section 4-3-5003(a), the first sentence of Section 4-3-5004(a) and the first sentence of Section 4-3-5005 (a) and (b) of Section 1 of House Commerce Committee amendment 1 the words "film and entertainment commission" and substituting instead the words "film, entertainment and music commission".

FURTHER AMEND by deleting the first sentence of the amendatory language of Section 4-3-5004 (e) of Section 1 of House Commerce Committee amendment 1 in its entirety and substituting instead the following:

The governor shall appoint a film, entertainment and music advisory council to assist and advise the commission in the performance of its duties.

FURTHER AMEND by deleting the first and second sentences of Section 4-3-5004 (b) of Section 1 of House Commerce Committee amendment 1 in their entirety and substituting instead the following:

The members of the commission shall be appointed for terms of four (4) years. In making the initial appointments, four (4) members shall be appointed for four (4) year terms and five (5) members shall be appointed for two (2) year terms.

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FURTHER AMEND by adding the following new Section 4-3-5006 to the amendatory language of Section 1 of House Commerce Committee amendment 1:

Section 4-3-5006. The Tennessee Film, Entertainment and Music Commission created by this act shall terminate on June 30, 1988, in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 29.

Mr. Speaker Murray relinquished the Chair to Ms. DeBerry Speaker pro tem.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 1114, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

Representatives voting no were: Harrill and Henry--2.

A motion to reconsider was tabled.

House Bill No. 618--Baccalaureate Education System Trust Act.

Mr. Byrd moved that House Bill No. 618 be passed on third and final consideration.

Mr. Byrd moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 618 by deleting the first sentence of Section 6(a) in its entirety and by substituting instead the following:

The trust, on behalf of itself and the state, may contract with a purchaser for the advance payment of tuition by the purchaser for a qualified beneficiary to attend any of the state institutions of higher education to which the qualified beneficiary is admitted, without further tuition cost to the qualified beneficiary.

On motion, the amendment was adopted.

Mr. Byrd moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 618 by deleting SECTIONS 4 through 22 in their entirety and by substituting in lieu thereof the following:

SECTION 4. As used in this act, except where the context clearly requires otherwise:

(1) "Advance tuition payment contract" means a contract entered into by the board and a purchaser pursuant to this act to provide for the higher education of a qualified beneficiary.

(2) "Board" means the board of trustees of the baccalaureate education system trust fund program described in this act.

(3) "Fund" means the baccalaureate education system trust created in this act.

(4) "Purchaser" means a person who makes or is obligated to make advance tuition payments pursuant to an advance tuition payment contract.

(5) "Qualified beneficiary" means any resident of this state.

(6) "State institution of higher education" means a college or university established in Tennessee Code Annotated, Section 49-8-101, or any institution of the University of Tennessee.

(7) "Program" means the baccalaureate education system trust program created in this act.

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SECTION 5. (a) The baccalaureate education system trust fund is hereby created. Such fund shall operate as an irrevocable trust fund within the state treasury and shall be administered by the state treasurer. The terms of the trust instrument shall be approved by the attorney general and reporter.

(b) The board of trustees shall set the investment policy for the fund in accordance with the laws, guidelines and policies which govern investments by the Tennessee consolidated retirement system. The treasurer shall be responsible for investment of the fund in accordance with the investment policy established by the board of trustees.

(c) The fund shall consist of payments received from purchasers of advance tuition payment contracts. Income from the investment of the fund shall be added to the fund. The assets of the fund may be expended for the sole purpose of providing for the higher education of a qualified beneficiary; provided, however, expenses related to investment of the fund and administration of the program may also be deducted from income of the fund. The fund may be divided into separate accounts. Regardless of the allocation of funds within the fund, all monies in the fund may be commingled for investment with other trust funds and other funds subject to investment by the Treasurer.

SECTION 6. (a) The baccalaureate education system trust program is hereby created. The Tennessee student assistance corporation shall provide staff support to the board of trustees and the program.

(b) The board, on behalf of the state, may contract with a purchaser for the advance payment of tuition by the purchaser or qualified beneficiary to enable a qualified beneficiary to attend any state institution of higher education to which the qualified beneficiary is admitted without further tuition cost to the qualified beneficiary. Advance tuition payment contracts shall contain provisions as deemed necessary and appropriate by the board. The form of such contract shall be approved by the attorney general and reporter prior to being entered into by the board. The board shall make any arrangements that are necessary or appropriate with state institutions of higher education in order to fulfill its obligations under advanced tuition payment contracts.

(c) The board shall have the powers necessary to effectuate the purposes, objectives and provisions of this act including, but not limited to, the power to:

- 1) establish an investment policy for the fund in accordance with SECTION 5 of this act;
- 2) enter into contracts on behalf of the state;

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- 3) establish reasonable guidelines for operation and administration of the program;
- 4) define the terms and conditions of the advance tuition payment contracts; and
- 5) establish policies, procedures and eligibility criteria to implement this program.

SECTION 7. (a) The board of trustees of the baccalaureate education system trust program shall consist of six (6) members as follows:

- 1) the state treasurer, ex officio;
- 2) the comptroller of the treasury, ex officio;
- 3) the commissioner of finance and administration, ex officio;
- 4) the secretary of state, ex officio;
- 5) the chancellor of the state board of regents, ex officio; and
- 6) the president of the University of Tennessee system, ex officio.

Members of the board may designate members of their respective staffs to attend meetings of the board and to exercise their right to vote in their absence. Such designations shall be in writing to the board chairman and filed with the Secretary of State. The executive director of the Tennessee student assistance corporation shall serve as executive secretary of board and chief administrative officer. The commissioner of finance and administration shall serve as chairman of the board of trustees.

(b) Members of the board shall serve without compensation but shall receive reasonable reimbursement for actual and necessary travel expenses in accordance with the travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(c) A majority of the members of the board serving shall constitute a quorum for the transaction of business at a meeting of the board. Voting upon action taken by the board shall be conducted by a majority vote of the members present at the meeting of the board. The board shall meet at the call of the chair and as may be otherwise provided in the by-laws of the board. Meetings of the board may be held anywhere within the state.

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(d) The business of the board shall be conducted at public meetings of the board held in compliance with Tennessee Code Annotated, Title 8, Chapter 44. All records of the board shall be made available to the public in compliance with Tennessee Code Annotated, Title 10, Chapter 7.

SECTION 8. The board shall annually prepare or caused to be prepared an accounting of the fund and shall transmit a copy of the accounting to the governor, the speaker of the senate, the speaker of the house of representatives and the respective minority leaders of the senate and house of representatives. The board also shall make available the accounting of the fund to the purchasers of contracts entered into pursuant to this act. The accounts of the board shall be subject to annual audits by the comptroller of the treasury.

SECTION 9. Before entering into advance tuition payment contracts with purchasers, the board shall solicit answers to appropriate ruling requests from the internal revenue service regarding the tax status of the value received under the contract to the purchaser or qualified beneficiary. No contract shall be entered into without the board making known the status of the request.

SECTION 10. The property of the trust and its income and operations shall be exempt from all taxation by this state or any of its political subdivisions.

SECTION 11. Advance tuition payment contracts shall be exempt from the Tennessee securities act of 1980. An advance tuition payment contract may not be sold or otherwise transferred by the purchaser or qualified beneficiary without the prior approval of the board.

SECTION 12. Nothing in this act or an advance tuition payment contract entered into pursuant to this act shall be construed as a promise or guarantee by the board or the state that a person will be admitted to a state institution of higher education or to a particular state institution of higher education or will be allowed to continue to attend a state institution of higher education after being admitted or will be graduated from a state institution of higher education.

SECTION 13. This act shall be construed liberally to effectuate the legislative intent and purposes of the act and all powers granted in the act shall be broadly interpreted to effectuate such intent and purposes and not as a limitation of powers.

SECTION 14. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application and, to that end, the provisions of this act are declared to be severable.

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SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it, provided that no funds shall be solicited or received or advance tuition payment contracts entered into by the board prior to July, 1, 1988.

On motion, the amendment was adopted.

Thereupon, House Bill No. 618, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--96.

A motion to reconsider was tabled.

Mr. Dixon moved that House Bill No. 752 be placed on the Calendar for Wednesday, April 8, 1987, which motion prevailed.

House Bill No. 747--Local Neighborhood Model Development Corporation Act.

Mr. Dixon moved that House Bill No. 747 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg,

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Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

Mr. Scruggs moved that House Bills Nos. 851 and 196 be placed on the Calendar for Wednesday, April 8, 1987, which motion prevailed.

House Bill No. 936--Attendance by TN pupils in adjoining states.

Mr. DePriest moved that House Bill No. 936 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 448--Burials.

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On motion, House Bill No. 448 was made to conform with Senate Bill No. 253.

On motion, Senate Bill No. 253, on same subject, was substituted for House Bill No. 448.

Mr. Rhinehart moved that Senate Bill No. 253 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	87
Noes	0
Present and not voting	10

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Swann, Tankersley, Tanner, Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe and Yelton--87.

Representatives present and not voting were: Chiles, Copeland, Henry, Holcomb, McAfee, Stafford, Starnes, Turner (Hamilton), Turner, L. (Shelby) and Wood--10.

A motion to reconsider was tabled.

House Bill No. 267--Regulation Credit Institutions.

Mr. Naifeh moved that House Bill No. 267 be passed on third and final consideration.

Mr. Tanner moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 267 by deleting Sections 1 and 2 in their entirety and substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Section 47-15-102 is amended by deleting from subsection (b) the word and figure "twenty (20)" and substituting instead the word and figure "thirty (30)".

SECTION 2. Tennessee Code Annotated, Section 47-15-103, is amended by deleting the words "commerce and insurance" wherever they appear in such section and substituting instead the words "financial institutions".

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 267, as amended, passed its third and final consideration by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

A motion to reconsider was tabled.

House Bill No. 12--Dues, county offices.

On motion, House Bill No. 12 was made to conform with Senate Bill No. 102.

On motion, Senate Bill No. 102, on same subject, was substituted for House Bill No. 12.

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Mr. Naifeh moved that Senate Bill No. 102 be passed on third and final consideration, which motion prevailed by the following vote:

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 102 by adding the following language at the end of the amendatory language of Section 1 designated as subsection (b):

in an amount not to exceed the amount of the dues charged by the respective association in effect on the effective date of this act

Mr. Swann moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the language of the amendment in its entirety and by substituting instead the following:

by inserting in the amendatory language of Section 1 designated as subsection (b) between the words "association dues" and "of the" the following language:

in an amount not to exceed one hundred dollars (\$100)

AND FURTHER AMEND by deleting all language at the end of such subsection (b) following the words and punctuation "said officials.", and by adding the following language:

Provided that, the county legislative body is authorized to appropriate sufficient amounts in excess of one hundred dollars (\$100) to pay such association dues in the discretion of the county legislative body.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Lawson moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 102 by adding the following language at the

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end of the amendatory language of Section 1 designated as subsection (b):

Provided, however, no funds shall be appropriated to pay the cost of dues for any such association which conducts lobbying activities as defined in Tennessee Code Annotated, Section 3-6-102 for the purpose of influencing legislative action relative to benefits or salaries of its association members.

Mr. Naifeh moved that Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	40
Noes	52
Present and not voting	2

Representatives voting aye were: Bell, Bragg, Bushing, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Garrett, Herron, Hillis, Hurley, Huskey, Jared, Jones U. (Shelby), King, Love, Naifeh, Napier, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Turner, L. (Shelby), West, Williams, Winningham, Wix, and Mr. Speaker Murray--40.

Representatives voting no were: Bewley, Bivens, Buck, Byrd, Chiles, Coffey, Copeland, Davis (Cocke), Davis (Gibson), Duer, Frensey, Gaia, Harrill, Hassell, Hawkins, Head, Henry, Hobbs, Holcomb, Holt, Ivy, Jackson, Kisber, Lawson, Long, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Peroulas, Phillips, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner C. (Shelby), Ussery, Webb, Whitson, Wolfe, Wood and Yelton--52.

Representatives present and not voting were: Good and Jones R. (Shelby)--2.

Thereupon, Amendment No. 2 was adopted by the following vote:

Ayes	49
Noes	41
Present and not voting	2

Representatives voting aye were: Bivens, Buck, Byrd, Chiles,

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Coffey, Copeland, Davis (Cocke), Davis (Gibson), Duer, Frensley, Gaia, Harrill, Hassell, Hawkins, Head, Henry, Hobbs, Holcomb, Holt, Ivy, Jackson, Kisber, Lawson, Long, May, McAfee, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Peroulas, Phillips, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Wolfe, and Wood--49.

Representatives voting no were: Bell, Bewley, Bragg, Burnett, Bushing, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, DeBerry, Dixon, Drew, Ellis, Garrett, Herron, Hillis, Hurley, Huskey, Jared, Jones R. (Shelby), Jones U. (Shelby), King, Love, Naifeh, Napier, Odom, Pruitt, Purcell, Rhinehart, Ridgeway, Turner, L. (Shelby), West, Whitson, Williams, Winningham, Wix, Yelton and Mr. Speaker Murray--41.

Representatives present and not voting were: Good and Miller--2.

Mr. Naifeh moved that Senate Bill No. 102 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Speaker Murray resumed the Chair.

House Bill No. 928--School lunch program.

Ms. DeBerry moved that House Bill No. 928 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

A motion to reconsider was tabled.

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Mr. Copeland moved that Senate Bill No. 102 be recalled from the Committee on Calendar and Rules, which motion failed by the following vote:

Ayes	47
Noes	41
Present and not voting	3

Representatives voting aye were: Burnett, Bushing, Chiles, Clark, Coffey, Copeland, Cross, Davidson, DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Hassell, Herron, Hillis, Hurley, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Long, Miller, Montgomery, Naifeh, Nance, Odum, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Swann, Tankersley, Turner, L. (Shelby), West, Whitson, Williams, Wix, Wood and Mr. Speaker Murray--47.

Representatives voting no were: Bell, Bewley, Bivens, Buck, Byrd, Cain, Collier, Crain, Curlee, Davis (Gibson), Drew, Duer, Frensley, Harrill, Hawkins, Head, Henry, Hobbs, Holcomb, Holt, Ivy, Jackson, Kisber, Lawson, Love, May, McAfee, Moody, Moore (Lawrence), Napier, Ridgeway, Robinson (Washington), Severance, Stafford, Stallings, Tanner, Ussery, Webb, Winningham, Wolfe and Yelton--41.

Representatives present and not voting were: Good, Moore (Shelby) and Starnes--3.

CONSENT CALENDAR

House Joint Resolution No. 173--Congratulating Miss Nancy Effie Schuff.

House Joint Resolution No. 174--Ramp Festival Day.

House Joint Resolution No. 176--Congratulating Mrs. Juanita H. Crump.

House Joint Resolution No. 177--Congratulating Philip Scott Anderson.

House Joint Resolution No. 178--Congratulating Miss Anita Meadows.

House Joint Resolution No. 179--Honoring Keith Marlin.

House Joint Resolution No. 180--Honoring Dr. Marcella Cranford.

House Joint Resolution No. 181--Congratulating Brian Baker.

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House Joint Resolution No. 182--Honoring Angie Nelson.

House Bill No. 1233--Dyer County criminal investigator.

House Bill No. 1243--Charter of Toone.

House Bill No. 1245--Nolichucky River Watercraft.

House Bill No. 1246--Gibson County School District.

On motion, House Bill No. 1246 was made to conform with Senate Bill No. 1238.

On motion, Senate Bill No. 1238, on same subject, was substituted for House Bill No. 1246.

Mr. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, which motion prevailed by the following vote:

Ayes	99
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--99.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 29--"Retailers' Sales Tax Act".

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SENATE AMENDMENT NO. 1

Amend House Bill No. 29 by deleting Sections 1 and 2 and adding new Sections 1 and 2 thereto as follows:

SECTION 1. Tennessee Code Annotated, Section 67-6-102, is amended by adding the following subsection:

() Notwithstanding the exemptions provided by sections 67-6-322 and 67-6-329 for sales to schools, "retail sale" and "sale at retail" subject to tax shall include any sale of tangible personal property or taxable services to a public or private school, grades K-12, or school support group, where such property or services are intended for resale by the school or school support group. Provided that, resales of such tangible personal property or taxable services by such school or school support group shall not be subject to tax. If for any reason a vendor does not collect and remit tax to the department on the sale of these items to the school or school support group, then the school or school support group shall be liable for use tax based on the purchase price of the items. This subsection shall not apply to sales of school books and school lunches.

SECTION 2. This Act shall take effect on July 1, 1987, the public welfare requiring it.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

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A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 617--Wholesaler's bond, beer tax.

SENATE AMENDMENT NO. 1

Amend House Bill No. 617 by adding at the end of the amendatory language in Section 1 the following:

Interest on any deposited certificate of deposit shall be payable to the wholesaler who has deposited it as collateral, or to such person as the wholesaler or the certificate may direct.

Mr. Bivens moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 20--Honoring Mr. and Mrs. France Boone--By Whitson.

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Under the rules, House Resolution No. 20 was referred to the Committee on Calendar and Rules.

House Resolution No. 21--Congratulating Mr. and Mrs. Clifford Stout--By Whitson.

Under the rules, House Resolution No. 21 was referred to the Committee on Calendar and Rules

House Resolution No. 22--Dr. K. L. Rogers Memorial Bridge--By Hurley and Robinson (Davidson).

The Speaker referred House Resolution No. 22 to the Committee on Transportation.

House Resolution No. 23--Conducting study improving air, rail transportation--By Ridgeway.

The Speaker referred House Resolution No. 23 to the Committee on Transportation.

House Joint Resolution No. 184--Congratulating Lincoln County Gridiron Association-- By Phillips.

Under the rules, House Joint Resolution No. 184 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 185--Floyd Carothers Highway--By Phillips.

The Speaker referred House Joint Resolution No. 185 to the Committee on Transportation.

House Joint Resolution No. 186--Naming Albert M. Dement Highway--By Phillips.

The Speaker referred House Joint Resolution No. 186 to the Committee on Transportation.

House Joint Resolution No. 187--Honoring Annette Anderson--By Drew.

Under the rules, House Joint Resolution No. 187 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 188--Honoring Evelyn Miller--By Drew.

Under the rules, House Joint Resolution No. 188 was referred to the Committee on Calendar and Rules.

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House Joint Resolution No. 189--Honoring Mira Kimmelman--By Drew.

Under the rules, House Joint Resolution No. 189 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 190--Honoring Marian Heard--By Drew.

Under the rules, House Joint Resolution No. 190 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 191--Honoring Mildred Doyle--By Drew.

Under the rules, House Joint Resolution No. 191 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 192--Honoring Fidelity Federal Savings Loan Association--By Drew.

Under the rules, House Joint Resolution No. 192 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 193--Honoring Lucille Thornburg--By Drew.

Under the rules, House Joint Resolution No. 193 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 194--Name building Dr. J. G. Walls--By Drew.

The Speaker referred House Joint Resolution No. 194 to the Committee on State and Local Government.

House Joint Resolution No. 195--Honoring Coach Gary Elkins--By Ridgeway.

Under the rules, House Joint Resolution No. 195 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 196--Honoring Miss Ruby Krider--By Ridgeway.

Under the rules, House Joint Resolution No. 196 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 197--Rename Hendersonville By-Pass--By Long, Robinson (Davidson), Garrett and Wix.

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The Speaker referred House Joint Resolution No. 197 to the Committee on Transportation.

House Joint Resolution No. 198--Study for reducing class size--By Davidson.

The Speaker referred House Joint Resolution No. 198 to the Committee on Education.

House Joint Resolution No. 199--Honoring Stephen R. Browder--By Davidson and Wheeler.

Under the rules, House Joint Resolution No. 199 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 200--Express sorrow Mrs. Maybelle Goad Clement--By Burnett, Winningham, Jackson, Henry, Duer and Stafford.

Under the rules, House Joint Resolution No. 200 was referred to the Committee on Calendar and Rules.

SENATE JOINT RESOLUTIONS

(Congratulatory and Memorializing)

Senate Joint Resolution No. 111--Honoring memory Richard F. Machamer.

Under the rules, Senate Joint Resolution No. 111 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 112--Congratulating Dr. William Marking.

Under the rules, Senate Joint Resolution No. 112 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 114--Expressing sorrow, Frank Douglas Hinton.

Under the rules, Senate Joint Resolution No. 114 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 115--Honoring Bart Watkins.

Under the rules, Senate Joint Resolution No. 115 was referred to the Committee on Calendar and Rules.

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Senate Joint Resolution No. 116--Honoring Samuel G. Burgess, Jr.

Under the rules, Senate Joint Resolution No. 116 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 117--Honoring David Farmer.

Under the rules, Senate Joint Resolution No. 117 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 118--Honoring Timothy A. Fitzgerald.

Under the rules, Senate Joint Resolution No. 118 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 129--Honoring memory of A. F. "Hoppy" Plunk.

Under the rules, Senate Joint Resolution No. 129 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 130--Honoring Coach Pat Head Summitt.

Under the rules, Senate Joint Resolution No. 130 was referred to the Committee on Calendar and Rules.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

132--Relative to honoring Security Fire Protection Company, Inc;

133--Relative to congratulating Christian Brothers High School Cheerleading Squad; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Turner, L. (Shelby) moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 132 out of order, which motion prevailed.

Senate Joint Resolution No. 132--Relative to honoring Security Fire Protection Company, Inc.

On motion, the rules were suspended for the immediate consideration of the resolution.

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On motion of Mr. Turner, L. (Shelby), the resolution was concurred in.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 70--Kern Tract on House Mountain.

The Speaker referred Senate Joint Resolution No. 70 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 79--Alzheimer's Task Force.

The Speaker referred Senate Joint Resolution No. 79 to the Committee on General Welfare

Senate Joint Resolution No. 93--National Super-conducting Super Collider.

The Speaker referred Senate Joint Resolution No. 93 to the Committee on Conservation and Environment.

Senate Joint Resolution No. 119--Year of the Constitution.

Under the rules, Senate Joint Resolution No. 119 was referred to the Committee on Calendar and Rules.

REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bills: 1247.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

INTRODUCTION OF BILLS

House Bill No. 1247--Peace officer standards and training--By Wix.

Passed first consideration.

House Bill No. 1248--Charter of Gallatin--By Long and Wix.

Passed first consideration.

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SENATE BILLS ON FIRST CONSIDERATION

Senate Bills Nos. 711, 839, 848, 948 and 1020.

Passed first consideration.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--98.

REPORTS FROM STANDING COMMITTEES

AGRICULTURE

MR. SPEAKER: Your Committee on Agriculture begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 420, 628 (with amendment), 878, 1171 (with amendment) and House Resolution No. 18 and further recommend that pursuant to House Rule No. 72, House Bill No. 420 be referred to the Committee on Finance, Ways and Means.

STALLINGS, Chairman.

Under the rules, House Bills Nos. 628, 878, 1171 and House Resolution No. 18 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 420 to the Committee on Finance, Ways and Means.

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COMMERCE

MR. SPEAKER: Your Committee on Commerce begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 192, 485 (with amendment), 601, 711, 932 (with amendment), 963 (with amendment), 994 (with amendment) and House Joint Resolution No. 172 and further recommend that pursuant to House Rule No. 72, House Bill No. 711 be referred to the Committee on Finance, Ways and Means.

TANNER, Chairman.

Under the rules, House Bills Nos. 192, 485, 601, 932, 994 and House Joint Resolution No. 172 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 711 to the Committee on Finance, Ways and Means.

Also, House Bill No. 963 was referred to the Committee on Government Operations.

CONSERVATION AND ENVIRONMENT

MR. SPEAKER: Your Committee on Conservation and Environment begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 1172 and 1221.

HILLIS, Chairman.

Under the rules, House Bills Nos. 1172 and 1221 were transmitted to the Committee on Calendar and Rules.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 426 (with amendments), 907, 908, 909, 922, 949 (with amendment), 1084 and 1175; and House Joint Resolution No. 154 and further recommend that pursuant to House Rule No. 72, House Bills Nos. 949 and 1084 be referred to the Committee on Finance, Ways and Means.

DAVIDSON, Chairman.

Under the rules, House Bills Nos. 426, 907, 908, 909, 922, 1175 and House Joint Resolution No. 154 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 949 and 1084 to the Committee on Finance, Ways and Means.

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FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 320, 516, 534 (with amendment), 713 (with amendment), 784 and 1043 (with amendment).

BRAGG, Chairman.

Under the rules, House Bills Nos. 320, 516, 534, 713, 784 and 1043 were transmitted to the Committee on Calendar and Rules.

GENERAL WELFARE

MR. SPEAKER: Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 154 (with amendment), 523 (with amendments), 577, 737, 1097 (with amendment) and 1113 and further recommend that pursuant to House Rule No. 72, House Bill No. 737 be referred to the Committee on Finance, Ways and Means.

STARNES, Chairman.

Under the rules, House Bills Nos. 154, 523 and 1113 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 737 to the Committee on Finance, Ways and Means.

Also, House Bills Nos. 577 and 1097 (with amendment) were referred to the Committee on Government Operations.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 41 (with amendment), 52 (with amendments), 56 (with amendment), 58 (with amendment), 101, 215 (with amendment), 216 (with amendment), 217 (with amendment), 220 (with amendment), 221 (with amendment), 222 (with amendment), 224, 225 (with amendment), 359 (with amendment), 631 and 1123 (with amendment).

KING, Chairman.

Under the rules, House Bills Nos. 41, 52, 56, 58, 101, 215, 216, 217, 220, 221, 222, 224, 225, 359, 631 and 1123 were transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House

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Bills Nos. 10, 193 (with amendment), 447 (with amendment), 648, 736, 808, 810, 959, 1004 (with amendment) and 1112 (with amendment) and further recommend that pursuant to House Rule No. 72, House Bill No. 736 be referred to the Committee on Finance, Ways and Means.

BUCK, Chairman.

Under the rules, House Bills Nos. 10, 193, 447, 648, 808, 810, 959, 1004 and 1112 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bill No. 736 to the Committee on Finance, Ways and Means.

LABOR AND CONSUMER AFFAIRS

MR. SPEAKER: Your Committee on Labor and Consumer Affairs begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 701 and 1182 (with amendments).

ELLIS, Chairman.

Under the rules, House Bills Nos. 701 and 1182 were transmitted to the Committee on Calendar and Rules.

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 82 (with amendment), 84, 88 (with amendment), 430, 507 (with amendment), 545 (with amendment), 603 (with amendment), 607, 646 (with amendment), 651, 665 (with amendment), 1134 (with amendment), 1180, 1211 and House Resolution No. 19 and House Joint Resolution No. 72 (with amendment), and further recommend that pursuant to House Rule No. 71, House Bills Nos. 82 (with amendment) and 1180 be referred to the Committee on Finance, Ways and Means.

MILLER, Chairman.

Under the rules, House Bills Nos. 84, 88, 430, 507, 545, 603, 607, 646, 651, 665, 1134, 1211 and House Resolution No. 19 and House Joint Resolution No. 71 were transmitted to the Committee on Calendar and Rules.

Pursuant to House Rule No. 72, the Speaker referred House Bills Nos. 82 and 1180 to the Committee on Finance, Ways and Means.

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for

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passage: House Bills Nos. 204 (with amendments), 296, 481, 960 (with amendment) and 1009; and House Joint Resolutions Nos. 131 and 144.

ROBINSON (Davidson), Chairman.

Under the rules, House Bills Nos. 204, 296, 481, 960 and 1009; and House Joint Resolutions Nos. 131 and 144 were transmitted to the Committee on Calendar and Rules.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 40, 57, 214, 223, 232, 240, 243, 521, 555, 558, 600 and 1104; and House Joint Resolutions Nos. 20, 46, 142, 143, 145, 146, 147, 149, 150, 152, 153, 163 and 183; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 325; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1149--Bingo; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 463, 1235 and 1239; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 2, 1987: House Bills Nos. 875, 511, 268, 1059, 639, 271, 312; Senate Bill No. 313; House Bills Nos. 712, 1238, 234, 679, 748, 774, 622, 835, 375, 1017; House Joint Resolution No. 116; and House Bills Nos. 360 and 87; and Senate Bill No. 22.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Thursday, April 2, 1987: House Bills Nos. 156, 929, 892, 634, 587, 55, 110, 107; House Joint Resolutions Nos. 103, 110 and 111; House Bills Nos. 301, 623, 191 and 1190; House Resolutions Nos. 20 and 21; House Joint Resolutions Nos. 184, 187, 188, 189, 190, 191, 192, 193, 195, 196, 199 and 200; and Senate Joint Resolutions Nos. 111, 112, 114, 115, 116, 117, 118, 119, 129 and 130.

PHILLIPS, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 27--Rhinehart

House Bill No. 618--Drew

House Bill No. 1062--Coffey

House Bill No. 1097--Bushing, Odom, Chiles, Coffey, Herron and Williams

House Bill No. 1177--Moore (Shelby)

House Bill No. 1186--Dixon

House Joint Resolution No. 110--Turner (Hamilton)

House Joint Resolution No. 184--DePriest

On motion of Mr. Phillips, his name was removed as sponsor of House Bill No. 603.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 259 and 325; both substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

31--To enact Tennessee Service Delivery System Improvement Act;

104--To provide certain fees, motor vehicles, certain clerks;

443--To regulate certain fees, services performed by clerks of courts; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

134--Relative to congratulating Coach Pat Head Summitt and Lady Vols; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 73, 267, 618, 747, 928, 936, 1114, 1121, 1233, 1243 and 1245; and House Joint Resolutions Nos. 173, 174, 176, 177, 178, 179, 180, 181 and 182; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Naifeh, the House adjourned until 9:00 a.m. tommorrow.